

1 SAINA S. SHAMILOV (CSB No. 215636)
sshamilov@fenwick.com
2 RYAN J. MARTON (CSB No. 223979)
rmarton@fenwick.com
3 TODD R. GREGORIAN (CSB No. 236096)
tgregorian@fenwick.com
4 RAVI RANGANATH (CSB No. 272981)
rranganath@fenwick.com
5 KUNYU CHING (CSB No. 292616)
kching@fenwick.com
6 FENWICK & WEST LLP
555 California Street, 12th Floor
7 San Francisco, CA 94104
Telephone: 415.875.2300
8 Facsimile: 415.281.1350

9 Attorneys for Plaintiff GABRIEL PINEIDA

KAMALA D. HARRIS
Attorney General of California
DANIELLE F. O'BANNON
Supervising Deputy Attorney General
TRACE O. MAIORINO
Deputy Attorney General
State Bar No. 179749
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5975
Fax: (415) 703-5843
E-mail: Trace.Maiorino@doj.ca.gov

Attorneys for Defendants Lee, Rodriguez,
Sepulveda, Wall, Grounds, Adams,
Bright, and Marshall

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 GABRIEL PINEIDA,

16 Plaintiff,

17 v.

18 LEE, et al.,

19 Defendants.
20
21
22
23
24
25
26
27
28

Case No.: 3:12-CV-01171-JST

**JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
DOCUMENT SUBPOENA TO
SALINAS VALLEY STATE PRISON**

Trial Date: Feb. 22, 2016

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

1 Plaintiff Gabriel Pineida and Defendants Lee, Rodriguez, Sepulveda, Wall, Grounds,
2 Adams, Marshall, and Bright (collectively, "Defendants"), by and through their respective
3 counsel of record, hereby stipulate as follows:

4 WHEREAS, on January 7, 2015, pursuant to Federal Rules of Civil Procedure 26 and 34,
5 Plaintiff served Requests For Production of Documents upon Defendants;

6 WHEREAS, on January 23, 2015, pursuant to Federal Rule of Civil Procedure 45,
7 Plaintiff served a Subpoena to Produce Documents by February 6, 2015 upon Salinas Valley State
8 Prison ("SVSP");

9 WHEREAS, Plaintiff's Subpoena to SVSP seeks categories of documents similar to those
10 in Plaintiff's Requests For Production to Defendants;

11 WHEREAS, the Parties have met and conferred by writing regarding Plaintiff's Requests
12 for Production and Subpoena;

13 WHEREAS, Defendants have represented that SVSP is not in possession of personnel
14 files for any former employees that left SVSP to work at other prisons or that retired while
15 working at another prison, or for any contract-employees;

16 WHEREAS, Defendants have represented that SVSP maintains in its possession, custody,
17 or control Official Personnel Files for Defendants Lee, Rodriguez, Wall, Grounds, and Marshall,
18 but not for Defendants Adams, Bright, or Sepulveda;

19 WHEREAS, each of Defendants have represented that their search for documents
20 responsive to Plaintiff's Requests For Production will include a search of documents within
21 SVSP's possession, custody, or control;

22 WHEREAS, subject to the above representations by Defendants, Plaintiff is willing to
23 withdraw its Requests Nos. 1, 2, and 3 of Plaintiff's Subpoena to SVSP as to each of Defendants,
24 while reserving the right to request additional documents and serve additional subpoenas if
25 necessary;

26 THE PARTIES HEREBY STIPULATE that:

- 27 1. Any search by Defendants in response to Plaintiff's Requests For Production will
28 include a search of the documents within the possession, custody, or control of SVSP.

- 1 2. Accordingly, Plaintiff will withdraw Requests No. 1, 2, and 3 of Plaintiff's Subpoena
2 to SVSP with respect to Defendants Lee, Rodriguez, Sepulveda, Wall, Grounds,
3 Adams, Marshall, and Bright.
4 3. Plaintiff reserves the right to serve additional document requests or subpoenas,
5 consistent with the Federal Rules of Civil Procedure and the Civil Local Rules.
6

7 Dated: February 6, 2015

FENWICK & WEST LLP

8
9 By: /s/ Todd R. Gregorian

Todd R. Gregorian

10 Attorneys for Plaintiff Gabriel Pineida
11

12 Dated: February 6, 2015


OFFICE OF THE ATTORNEY GENERAL
OF CALIFORNIA

13
14
15 By: /s/ Trace Maiorino

Trace O. Maiorino

16 Attorneys for Defendants
17 Lee, Rodriguez, Sepulveda, Wall,
18 Grounds, Adams, Marshall, and Bright.
19
20

21 PURSUANT TO STIPULATION, IT IS SO
22 ORDERED.

23 
24 The Honorable Jon S. Tigar
United States District Judge

25
26 Dated: February 10, 2015
27
28

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

ATTORNEY ATTESTATION

I, Todd R. Gregorian, attest that concurrence in the filing of this document has been obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed document. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: February 6, 2015

FENWICK & WEST LLP

By: /s/ Todd R. Gregorian

Todd R. Gregorian

Attorneys for Plaintiff Gabriel Pineida

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO